

From Shyla Moon <>
Sent Friday, October 15, 2010 5:44 pm
To hihwmanagementplan@noaa.gov
Cc

Subject Shyla Moon - Comments

Shyla Moon 10/14/10
Kauai, Kalaheo

Aloha,

The expansion of the existing whale sanctuary in Hawaii doesn't make sense to me. I need proof from NOAA's confirmed studies to prove to me that whales are dying and being hurt in our Hawaiian waters, and I respectfully request that you release these documents for public viewing. From my personal experience of living on Kauai my entire life; I have never seen anyone disrespecting an ocean mammal let alone hurting one. We are civilized residents, not neanderthals that need supervision. Hurting whales and other marine life is not allowed and isn't tolerated within any community; and it is because of the existing whale sanctuary and acts such as the Endangered Species Act (ESA; 16 U.S.C., 1531 et seq.) and the Marine Mammal Protection Act (MMPA; 16 U.S.C., 1361 et seq.). There's also recent law that Lt. Gov. James "Duke" Aiona just signed, Senate Bill 2441, helps our threatened species from being intentionally harmed, "making the intentional harassing, harming or killing of a monk seal—or any endangered or threatened Hawaii species—a class C felony."

We have two acts now that work for all of the marine animals: the Endangered Species Act (ESA; 16 U.S.C., 1531 et seq.) and the Marine Mammal Protection Act (MMPA; 16 U.S.C., 1361 et seq.). We have the Department of Land and Natural Resources to regulate our state. So what's the purpose of creating a new program and not improving and supporting the existing programs we do have?

According to 16 U.S.C. § 1533, the Secretary of Commerce must comply to 16 U.S.C. § 1533 (b) Basis for determinations (1)(A) "The Secretary shall make determinations required by subsection (a)(1) of this section solely on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction; or on the high seas." Again, I urge NOAA to share their research with the public and not just the people who you want to have this passed.

How will NOAA pass the whale sanctuary around our needed military bases in Hawaii? According to 16 U.S.C. § 1533: (3)(B)(i) "The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject

to an integrated natural resources management plan prepared under section 670a of this title, if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation."

These are some of my suggestions to NOAA:

- Our real concerns should be where the whales and dolphins are being hunted by Japan and other countries in our close waters and shown on live television. We should spend our expansion money from the government to buy a boat and help out the whale wars in our oceans, where whales and dolphins are being killed on a daily basis.
- NOAA should provide free educational classes to update the community on the marine life being harmed. Show the people why it is needed and show proof (show the research done, not just statistics).
- Improve and support the existing programs we do have here in the State of Hawaii that provides protection to ocean mammals.
- NOAA should keep comments and petitions to the State of Hawaii only and NOT the rest of the world's because they do not live here in Hawaii.
- NOAA should provide good communications with the real people who live in Hawaii and provide enough time to notify them of a meeting held on each island.
- NOAA didn't notify the public in large amounts about the activities that were being conducted. Having 20 to 30 people at these whale sanctuary meetings DOES NOT account for the thousands of people that live on Kauai. It is unjust and looked down upon by the community. NOAA should take into consideration that people who use the ocean everyday have more knowledge than an outsider who has never lived in Hawaii. The people who use the ocean know best, therefore, you should have them be a part of your team of researchers to get insight.

Please show me a clear decrease in whale population and other marine life. Please provide the public the proof from NOAA (research notes, studies taken in Hawaii and all other related notes by researchers) because without it the public can't make an educated decision.

Please also extend the October 16, 2010 comments deadline through 2011. Since the real public didn't get notified (and the rest of the world did according to Malia Chow) it would only be fair to extend this deadline because in two years no one will remember what was said. From my understanding our next public comments will be in two years.

Mahalo,
Shyla Moon